

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND**

IN RE:	Gerald R. Galleshaw	:	
	Debtor	:	
		:	
DAVID C. FRAIOLI and NEW		:	
ENGLAND AUTO CENTER, INC.		:	
	Plaintiffs	:	CASE NO: 15-11047
		:	
V.		:	
		:	CHAPTER 7
		:	
GERALD R. GALLESHAW,		:	ADV. PRO. NO.: 15-01023
	Defendant	:	

**PLAINTIFFS' MOTION TO ADJUDGE IN CONTEMPT AND COMPEL
COMPLIANCE PURSUANT TO THE SUBPOENA**

NOW COMES Plaintiffs, David Fraioli ("Mr. Fraioli") and New England Auto Center, Inc. ("NEAC, Inc.") (hereinafter collectively referred to at times "Defendants"), and hereby requests that this Honorable Court issue an Order pursuant to Rule 9016 of the Federal Rules of Bankruptcy Procedure and Rule 45(e) of the Rhode Island Superior Court Rules of Civil Procedure (1) adjudging Gerald R. Galleshaw ("Mr. Galleshaw") in contempt of Court, and (2) compelling Mr. Galleshaw to produce the documents responsive to Plaintiffs' Subpoena to Produce Documents, Information, or to Permit for Inspection ("Subpoena") served upon Mr. Galleshaw on December 21, 2015, fully and without objection, within five (5) days of the date of the hearing hereon. A copy of the served Subpoena is attached hereto as Exhibit A.

As grounds for Plaintiff's Motion, Plaintiff states the following:

(1) On or about December 30, 2015, Mr. Galleshaw appeared at Plaintiff's Counsel's law office, Bilodeau Carden, LLC. On that date Mr. Galleshaw did not produce any of the requested documents pursuant to the Subpoena.

(2) As of the date herein, Mr. Galleshaw has failed to comply with the Subpoena in that Mr. Galleshaw has failed to provide Plaintiff with any of the requested documents pursuant to the Subpoena.

WHEREFORE, Plaintiffs respectfully requests that this Honorable Court grant Plaintiffs' Motion (1) adjudging Gerald R. Galleshaw ("Mr. Galleshaw") in contempt of Court, (2) compelling Mr. Galleshaw to produce the documents responsive to Plaintiffs' Subpoena served upon Mr. Galleshaw on December 21, 2015, fully and without objection, within five (5) days of the date of the hearing hereon, (3) any and all further relief that this Court deems just and necessary.

David Fraioli and New England Auto Center, Inc.
By his Attorneys,

/s/ Ryanna T. Capalbo
Andrew R. Bilodeau, Esq., #7174
Ryanna T. Capalbo, Esq., #8314
Bilodeau Carden, LLC
51 Jefferson Blvd, Suite 2
Warwick, RI 02888
Telephone (401) 461-7700
Facsimile (401) 633-7511
Date: 1/5/2016

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATION

I hereby certify that on the 5th day of January, 2016, I electronically filed a true and accurate copy of the within document to be sent via electronic means with the Clerk of the Bankruptcy Court for the District of Rhode Island using the CM/ECF System and via email to the following:

Todd Dion, Esq.
Law Office of Todd S. Dion
1599 Smith Street
North Providence, RI 02911

/s/ Ryanna T. Capalbo, Esq.
Ryanna T. Capalbo, Esq., #8314